

Harborough District Council



Report to Council Meeting of 15 May 2023

Title:	Calculation and application of Political Balance
Status:	Public
Key Decision:	No
Report Author:	Director of Law & Governance, Monitoring Officer, Clare Pattinson c.pattinson@harborough.gov.uk
Lead Councillor:	TBC
Appendices:	A – List of Committees B - Calculation of Political Balance C – Proposed application of Political Balance

Summary

- i. The Council is required to determine the political balance of its councillors following local government elections, which calculation is used to inform the allocation of seats on council committees, sub-committees and panels.
- ii. The calculation of political balance is largely a factual and mathematical exercise by which the proportions of each political group represented on the council are identified and applied to the number of seats available on council committees. Where the figures are required to be rounded up or down however, there may need to be some adjustment to ensure that representation across all parties is fair.
- iii. Council is asked to approve the calculation of political balance and endorse the allocation of seats to political parties in accordance with that calculation.

Recommendations

Council is invited to:

Appointment of Committees

- a. decide whether all or some of the committees listed at 3.2 are to be appointed for the municipal year 2023/2024;
- b. confirm whether the committees listed at 3.3.1 – 3.3.4 are formally dissolved;
- c. formally resolve to dissolve any committees listed in 3.2 which are not appointed for the coming municipal year;
- d. decide the number of seats on the committees, sub-committees and panels to be appointed for the forthcoming municipal year if different from the current arrangements;

Political Balance

- e. agree the political balance of the Council in accordance with the 1989 Act calculations set out in Appendix A;
- f. authorise the Director of Governance and Law, in consultation with the relevant Group Leader, to determine any further necessary adjustments to be made to individual Committee and Sub-Committee allocations in accordance with the provisions of Sections 15 and 16 of the Local Government and Housing Act 1989;
- g. authorise the Director of Governance and Law to allocate seats to political groups in respect of any sub-committee which might be established from time to time in accordance with the provisions of Sections 15 and 16 of the 1989 Act;
- h. note that groups should provide their nominations to Democratic Services for the seats allocated to them by 21 May 2023;

Constitution

- i. authorise the Director of Governance and Law to amend the Constitution of the Council to give effect to decisions of Council in respect of the number, size and terms of reference of the committees appointed by Council.

Reasons for Recommendations

- iv. It is a statutory requirement that the Council calculate its political balance and apply this to the governance arrangements it has adopted.

1. Purpose of Report

- 1.1 This report identifies the political balance calculation for Harborough District Council following local government elections on 4 May 2023 and suggests how this can be applied to the various committees it designates.

2. Background

- 2.1 At the annual meeting of Council, councillors are required to decide what committees and sub-committees to establish for the coming municipal year. This includes the allocation of seats to political groups represented on the Council in accordance with the provisions of the Local Government and Housing Act 1989 (the “1989 Act”). Councillors should also determine the size and terms of reference of those committees. Not all committees are included in the requirement for political balance – neither Scrutiny panels nor Cabinet are subject to the political balance provisions.
- 2.2 Section 15 (Duty to Allocate Seats to Political Groups) of the 1989 Act sets out the requirements as to political proportionality on Council bodies and requires the Council, in allocating seats on committees and sub-committees of the Council to political groups, to give effect, so far as practicable, to the following four principles:
- 2.2.1 that not all seats on the committee/sub-committee are allocated to the same political group;
 - 2.2.2 that the political group having a majority of seats on the Council should have a majority on each committee and sub-committee;
 - 2.2.3 that, subject to 2.2.1 and 2.2.2 above, the number of seats on the Council’s committees and sub-committees allocated to each political group, bears the same proportion to the total number of such committee/sub-committee seats as the number of members of that group bears to the membership of the full Council; and
 - 2.2.4 that, subject to 2.2.1 to 2.2.3 above, seats will be allocated on each committee and sub-committee in the same ratio as exists on the full Council.
 - 2.2.5 Section 16 (Duty to Give Effect to Allocations) of the 1989 Act requires the Council to give effect to the allocations determined in accordance with the wishes of the relevant group.

3. Details

Committees

- 3.1 Councillors may be aware that a review of the constitution is currently being undertaken. This report does not seek to pre-empt that report, but rather to tidy up and get early clarification on the committees to be established (and therefore appointed to) by Council.
- 3.2 The review of the constitution has identified that the Council currently appoints to the following committees and sub-committees:
- a. Planning Committee;
 - b. Regulatory Committee;
 - c. Constitutional Review Committee;
 - d. Audit and Standards Committee;
 - e. Employment Committee;

- f. Investigating and Disciplinary Committee;
- g. Appeals Committee;
- h. Licensing Committee;
- i. Performance Scrutiny Panel;
- j. Communities Scrutiny Panel;
- k. Scrutiny Commission;
- l. Revenues and Benefits Joint Committee;

It is proposed that the Scrutiny Commission be deleted in favour of larger scrutiny panels.

- 3.3 The review has also been unable to identify with certainty when (or if) resolutions to terminate the following committees were passed:
- a. Annual Parish Liaison – it is likely this is not a committee but rather an event listed as a committee for administration purposes;
 - b. Community Governance Review Committee – the work of this committee finished in 2020;
 - c. Electoral Review Committee – the work of this committee appears to have ceased in May 2019;
 - d. Harborough Highways – this appears to have ceased in 2017;

3.4 **Council is requested to:**

- a. decide whether all or some of the committees listed at 3.2 are to be appointed for the municipal year 2023/2024;**
- b. confirm whether the committees listed at 3.3.1 – 3.3.4 are formally dissolved;**
- c. formally resolve to dissolve any committees listed in 3.2 which are not appointed for the coming municipal year;**
- d. decide the number of seats on the committees, sub-committees and panels to be appointed for the forthcoming municipal year if different from the current arrangements.**

Political Balance

- 3.5 Appendix A sets out the current political balance¹ of the Council generally for the forthcoming municipal year following the elections on 4 May 2023.
- 3.6 Appendix B applies the political balance provisions to committees of varying sizes from 3 to 15 members for ease of reference. Councillors will note that that the allocation of seats between minority groups will need to be agreed, hence the reference to TBD (i.e. To Be Determined) by Council.
- 3.7 Appendix C applies the political balance provisions as set out at Appendix A to the committees which existed prior to the election. It shows the proportionate distribution of

¹ Total number of councillors elected for the group, divided by total number of councillors on the Council, times 100

seats among the groups (i.e. Conservative Group, Green Group, Labour Group, Liberal Democrat Group) and the areas where decisions are required.

- 3.8 The distribution of seats between groups has been calculated on a proportional split of the 42 seats which are included within the political balance arrangements. In each case the determination of seat numbers has followed the general principle of rounding up or down. There has therefore been some adjustment to the resulting distribution in order to correct the consequences of this and to give effect to the principles in Section 15 of the 1989 Act, as set out above.
- 3.9 It is for Council to determine the size of each committee. The distribution of seats for potential committee sizes between 3 and 15 councillors is as set out in Table 2². If the committees are reappointed to the size they were in the last municipal year, the distribution of seats will be as set out Appendix C.
- 3.10 In the event that Council decides to amend the sizes of committees, sub-committees and panels subject to political balance, or the number of committees, sub-committees and panels, the calculations will be adjusted accordingly and recirculated to councillors.
- 3.11 Council is therefore requested to:
- a. **agree the political balance of the Council in accordance with the 1989 Act calculations set out in Appendix A;**
 - b. **authorise the Director of Governance and Law, in consultation with the relevant Group Leader, to determine any further necessary adjustments to be made to individual Committee and Sub-Committee allocations in accordance with the provisions of Sections 15 and 16 of the Local Government and Housing Act 1989;**
 - c. **authorise the Director of Governance and Law to allocate seats to political groups in respect of any sub-committee which might be established from time to time in accordance with the provisions of Sections 15 and 16 of the 1989 Act;**
 - d. **note that groups should provide their nominations to Democratic Services for the seats allocated to them by 21 May 2023;**

4. Implications of Decisions

Corporate Priorities

- 4.1 The Council has identified that its corporate priorities are Place and Community, Healthy Lives, Environment and Sustainability and the Economy. It has also identified critical outcomes under each priority. The distribution of seats according to political composition ensures fair representation of all groups in the delivery of the Council's corporate objectives. Councillors will no doubt review the priorities in due course to determine whether any changes to the same are required.

Consultation

² number of seats on the committee, divided by 100 and multiplied by the group percentage.

- 4.2 No consultation has been undertaken to date given the uncertainty as to whether there is to be a formal coalition, no overall control or informal arrangements.

Financial

- 4.3 The allocation of seats between political parties has no direct impact on the finances of the Council. It is recognised that the Council will need to provide additional group rooms given the recent changes in composition, however this is anticipated to be covered by introducing a “minority group room” which can be utilised by the minority Labour and Green groups, each of which has 3 members.

Legal

- 4.4 The requirement for the Council to recognise, calculate and apply the political balance is set out within the 1989 Act as set out in the body of the report. The Council’s decisions may not be lawful if the political balance requirement is not respected. The proposals put forward in this report will ensure that the Council is compliant with the legislation.

Environmental Implications

- 4.5 The content of this report has no direct impact upon the Council’s ambition to achieve net zero carbon emissions as a consequence of its activities.

Risk Management

- 4.6 As set out in the Legal implications, the risk of not complying with statutory requirements is that the Council will be acting ultra vires and therefore capable of being subject to successful challenge of its decisions.

Equalities Impact

- 4.7 The Council has a statutory duty to assess and consider the impact of its activities and decision in respect of those with protected characteristics. It must demonstrate that it has had regard to its public sector equality duty when making decisions which affect people with characteristics protected from discrimination: age, disability, gender assignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation. It is important that decision-makers are provided with all necessary information to enable them to have ‘due regard’ when making decisions.
- 4.8 The review of the committees and the calculation and application of political balance does not impact directly upon those with protected characteristics therefore no Equality Impact Assessment will be undertaken.

Data Protection

- 4.9 The review of the constitution does not involve any personal information and therefore there are no impacts or issues relating to data protection arising from the report.

Alternative Options Considered

- 4.10 The Council is required to calculate the political balance and apply it, therefore there are no alternative options other than to not undertake this exercise, which will have the implications listed in this section 4 of the report.

Recommendation

5.1 Given the content of this report, Council is invited to:

Appointment of Committees

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- b. confirm whether the committees listed at 3.3.1 – 3.3.4 are formally dissolved;
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Political Balance

- e. agree the political balance of the Council in accordance with the 1989 Act calculations set out in Appendix A;
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- h. note that groups should provide their nominations to Democratic Services for the seats allocated to them by 21 May 2023;

Constitution

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Background papers

None.